

01-30-02

A

25875.00120

Express Mail Label No. EL 845469674 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification
of this Application:☒ Class 219 ☒ Subclass 212

Prior Application Examiner: R.Carter

Art Unit: 3736

DIVISIONAL APPLICATION TRANSMITTAL

Box PATENT APPLICATION

Commissioner for Patents

Washington, D.C. 20231

Dear Sir:

This is a request for filing a ☐ continuation ☒ divisional application pursuant to 37 C.F.R. § 1.53(b), of pending prior application:

Serial No. 09/385,466 filed September 14, 1999, by Leland C. CLARK, Jr. (inventor(s) currently of record in prior application) for IMPLANTABLE GLUCOSE SENSOR.

1. ☒ Enclosed is a copy of the prior application, including the oath or declaration as originally filed, or a replacement specification which does not add new matter.
2. ☒ The filing fee is calculated below:

CALCULATION OF FEES						
ITEM	TOTAL NO. OF CLAIMS		NO. OF CLAIMS OVER BASE	LG/SM \$ ENTITY FEE		\$ FEE
A TOTAL CLAIMS FEE	7	-20	0	LG=\$18 SM=\$9	\$9	0
B INDEPENDENT CLAIMS FEE*	2	-3	0	LG=\$84 SM=\$42	\$42	0
C SUBTOTAL - ADDITIONAL CLAIMS FEE (ADD FINAL COLUMN IN LINES A + B)						\$ 0
D MULTIPLE-DEPENDENT CLAIMS FEE					LARGE ENTITY FEE = \$280 SMALL ENTITY FEE = \$140	\$ 0
E BASIC FEE					LARGE ENTITY FEE = \$740 SMALL ENTITY FEE = \$370	\$ 370
F TOTAL FILING FEE (ADD TOTALS FOR LINES C, D, AND E)						\$ 370
*LIST INDEPENDENT CLAIMS 20, 25						

3. ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-1796, referencing docket number 25875.00120. A copy of this sheet is enclosed.
4. ☐ A check in the amount of \$_____ is enclosed.
5. ☒ Cancel in this application original claim(s) 1-19 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

01/28/02
J1131 U.S. PTO

JC057 U.S. PTO
10/058453

01/28/02

6. ☒ Amend the specification by inserting before the first line the sentence:

This is a ☐ continuation ☒ divisional of application Serial No. 09/395,466 filed September 14, 1999, which application is hereby incorporated by reference in its entirety.

- 7a. ☒ New formal drawings are enclosed.

- 7b. ☐ Priority of application Serial No(s):

_____ application Serial No. _____ filed _____ and
_____ application Serial No. _____ filed _____ is claimed under 35 U.S.C. § 119.

- 7c. ☐ The certified copy of the priority application was filed in prior application Serial No. _____, filed _____.

8. ☒ The prior application is assigned of record to: Implanted Biosystems, Inc.

9. ☒ The power of attorney in the prior application is as listed on the attached copy of the declaration filed in the parent application.

- a. ☐ The power appears in the original papers in the prior application.
b. ☒ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
c. ☒ Address all future communications to:

Stefan J. Kirchanski
CROSBY, HEAFEY, ROACH & MAY
1901 Avenue of the Stars, Suite 700
Los Angeles, CA 90067
Phone: (310) 734-5200
Fax: (310) 734-5299

CORRESPONDENCE ADDRESS:

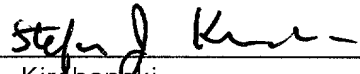
☒ Customer Number 28983



- d. ☐ A new Associate Power of Attorney is enclosed.
10. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
11. ☒ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Applicant no longer claims small entity status.

12. ☐ Request And Certification Under 35 U.S.C. 122(b)(2)(B)(i) for non-publication is enclosed.
13. ☒ An Information Disclosure Statement listing 2 references is enclosed.

Date: January 28, 2002


Stefan J. Kirchaneki
Of Counsel
Registration No. 36,568

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Leland C. CLARK, Jr.

Serial No: (Not Assigned: Parent
09/395,466)

Filed: January 28, 2002

For: IMPLANTABLE GLUCOSE SENSOR

Art Unit: (Not Assigned)

Examiner: (Not Assigned)

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL
"Express Mail" Mailing Label No. EL 845469674 US
Date of Deposit: January 28, 2002

Box PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I hereby certify that

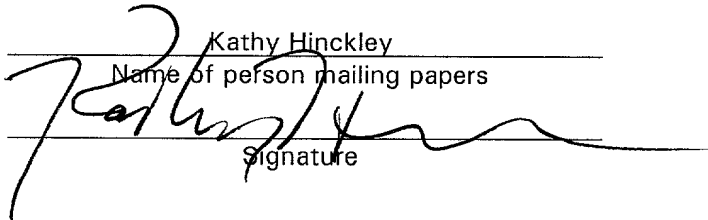
- ☒ two copies of Divisional Application Transmittal
- ☐ check in amount of \$ ___ as filing fee
- ☒ patent application (32 page(s) of specification; 7 claim(s); 1 page(s) of abstract
- ☒ 10 sheet(s) of formal drawings
- ☒ Copy of executed Declaration and Power of Attorney filed in parent
- ☒ Assertion of Small Entity Status
- ☐ Request for Non Publication
- ☐ Preliminary Amendment
- ☒ Information Disclosure Statement listing 2 references
- ☐ return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Box PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231.

Date: January 28, 2002

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Kathy Hinckley
Name of person mailing papers

Signature